

From: Jeffrey S. Smith
To: Microsoft ATR
Date: 1/28/02 11:00am
Subject: Microsoft Settlement

To Whom It May Concern:

I have been watching the Antitrust Suit that was brought against Microsoft since it was filed with great intrigue. Since public opinion has been welcomed, I would like to give my input.

I have worked in the Electronic Security Industry for the better part of 23 years. The last 7 years I have worked for a Software Development Company that specializes in Computer Software and Hardware for the Electronic Security Industry. Until recently, we did not develop or use any of the Microsoft Operating Systems for development of our software. We have always purchased the computer from companies like Everex, Premio, Digital, Compaq, etc. Until the Antitrust charges were filed, we were forced to buy Windows Operating systems along with the machines. Bare in mind, we never ordered the hardware with even a hard drive in them, but we were forced to buy the operating system because as I was told by all of the companies we purchased from, "That the agreement that they have with Microsoft states that they have to sell a Microsoft Operating System with every computer sold". 4 or 5 years in a row, we would end up donating 200 to 300 new operating systems to some local vocational schools since we could not resell them, as they were OEM versions of Windows.

Obviously, this is just one of many scenarios that Microsoft seemed to have created and fostered into the current situation. I feel that scenarios like this are why the DOJ did the right thing in bringing the Suit against Microsoft. Obviously, scenarios like this are clearly anti-competitive and a win/win situation for Microsoft. They get to make a sale even though us and other companies had no intention of using their Operating System. Hardly seems like Freedom To Innovate as Microsoft has said.

In my opinion, they should not be broken up. I feel that more damage would come as a result if they were, economically as well as technology wise. However, I feel the penalties need to be much stiffer than what is proposed currently for the settlement. The financial penalties are not nearly stiff enough. They should not be allowed to give computers to schools as part of the settlement since this will obviously hurt Apple with their excellent school program that until now Microsoft has not really cared about. Possibly donations to charities or other worthwhile causes would be good as part of the settlement. Microsoft and other companies need to remember this case as a reminder of how not to do business. The only way to do that is to hit them in the wallet and possibly some sort of long term Federal oversight for a few years to keep them honest. (If that is possible).

I truly feel Microsoft is an amazing company and a lot of the Technology

that we have at our fingertips is thanks to them. They should have the Freedom to Innovate, putting a stranglehold on the bulk of the Technology Industry is not Freedom. There truly is no other game in town currently as far as the technology goes. However, if Microsoft would have been allowed to continue several years ago, there would never be a chance for any other company to even attempt to do what Microsoft has done. If things are done right in the settlement, maybe there will be some new players in the game.

Sincerely,

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